

Application No. 10/087303
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Amendment
Attorney Docket No. S63.2B-9719-US01

REMARKS

This Amendment is in response to the Office Action dated December 2, 2004.

Each issue is discussed below.

§102 Rejections

(1)

Claims 21 and 29 were rejected under 35 USC §102(b) as being anticipated by Hillstead (US 5116318). It is asserted that Hillstead discloses a balloon having a central portion and a plurality of wings including at least one first wing wrapped in a first direction about the central portion of the balloon and at least one second wing wrapped in a second direction opposite the first direction about the central portion of the balloon (see figures 4 and 8).

Although Applicant disagrees with the rejection, independent claims 21 and 29 have been amended to further distinguish them from the cited art. As such, withdrawal of the rejection is requested.

(2)

Claims 21-24, 26, 29 and 30 were rejected under 35 USC §102(e) as being anticipated by Whalen et al. (2002/0107540). It is asserted that Whalen discloses a balloon having a central portion and a plurality of wings including at least one first wing wrapped in a first direction about the central portion of the balloon and at least one second wing wrapped in a second direction opposite the first direction about the central portion of the balloon. It is further asserted that Whalen also teaches a plurality of first wings, a plurality of second wings and T-shaped structures 261 (see figures 4 and 4a).

Although Applicant disagrees, independent claims 21 and 29 have been amended to further distinguish them from the cited art. The rejection should be withdrawn because, among other reasons, the splines 260 of Whalen et al. are not medical balloons, or part of medical balloons, which have a contracted condition and are expandable to an expanded condition. As such, withdrawal of the rejection is requested.

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§103 Rejections

(3)

Claim 25 was rejected under 35 USC §103(a) as being unpatentable over Whalen et al. in view of Butaric et al. (US 6033380). It is asserted in that official action that Whalen et al. disclose the invention as claimed except for an overlapping relationship between the first wing and the adjacent second wing. However, it is asserted that Butaric discloses a balloon 50 comprising a plurality of wings 70 overlapping with each other and it would have been obvious to modify Whalen by having the wing overlapping with the second wing in view of Butaric to facilitate removal.

Although Applicant disagrees with the rejection, claim 21, on which claim 5 is dependent, has been amended to further distinguish it, and therefore claim 5, from the cited art. Withdrawal of the rejection is therefore respectfully requested.

New claims 39 and 40 have been added.

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited. If the Examiner wishes to discuss further issues, he is invited to contact the undersigned.

Respectfully submitted,

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